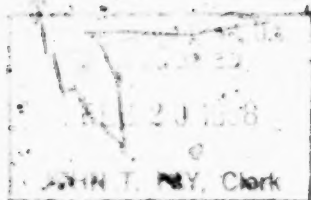


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No. **382 - 385**

IN THE
SUPREME COURT
OF THE
United States
October Term, 1957

THE FIRST UNITARIAN CHURCH OF LOS
ANGELES,

Petitioner,

vs.

COUNTY OF LOS ANGELES, CITY OF LOS
ANGELES, H. L. BYRAM, COUNTY OF LOS
ANGELES TAX COLLECTOR, et al.,

Respondents.

VALLEY UNITARIAN-UNIVERSALIST
CHURCH, INC.,

Petitioner,

vs.

COUNTY OF LOS ANGELES, CALIFORNIA;
CITY OF LOS ANGELES, CALIFORNIA;
H. L. BYRAM, COUNTY TAX COLLECTOR,

Respondents.

**OBJECTION TO MOTION FOR LEAVE TO
FILE BRIEFS AMICUS CURIAE IN
SUPPORT OF PETITIONER**

HAROLD W. KENNEDY, County Counsel
and
Gordon Boller
• Assistant County Counsel
Attorneys for Respondents.

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**OBJECTION TO MOTION FOR LEAVE TO
FILE BRIEFS AMICUS CURIAE IN
SUPPORT OF PETITIONER**

Respondents oppose the motion of American Civil Liberties Union and the motion of Philadelphia Yearly Meeting of the Religious Society of Friends, and American Friends Service Committee, Inc., for leave

to file briefs *amicus curiae* in support of petitioner herein. (The second mentioned notice of motion and the tendered brief bear the former title of the second of the two cases consolidated by order of this Court.)

Consent to file such briefs was orally requested of us some weeks ago but was refused. The reasons for withholding consent and for our opposition now to the motion were stated to be and are as follows: Petitioners' Consolidated Opening Brief filed herein does not fail to make adequate presentation of the material or any facts or questions of law in the cases. On the contrary, petitioners are represented by counsel, able and experienced in questions of Federal right and constitutional law and their presentation in this Honorable Court. A. L. Wirin, Esq., of counsel on Petitioners' Consolidated Opening Brief, last year celebrated his 25th year as counsel for the American Civil Liberties Union, in which capacity he has briefed and argued many causes in this court. Petitioners' Consolidated Opening Brief herein, we submit, fully presents all material facts and argues all questions of law involved.

The motions do not deny adequate presentation of facts and questions of law, but merely state inadequate contrary prediction and conclusion. The first motion merely recites that

"Although various aspects of these issues have been raised by petitioners in the State courts and in the petitions for writ of certiorari, there seems to be a strong likelihood that certain aspects thereof will not be discussed or given adequate emphasis.

"In its annexed brief the Union believes that it has discussed certain aspects of the constitutional issues involved which either have not been mentioned or have not been fully treated by the parties. . . ." (Motion, p. 2.)

No attempt is made to support such prediction of "strong likelihood" of slight to, or of want of "adequate emphasis" on, "certain aspects" of the issues. Any basis for the somber conclusion or any aspect of *amicus* promised more "adequate emphasis" are recited or indicated in the motion.

As noticed, American Civil Liberties Union is in effect already represented in the case and upon Petitioners' Consolidated Opening Brief, in the person of A. L. Wirin, Esq. In this, the tendered brief, if received, would constitute a second and extra brief in the cases by counsel for the American Civil Liberties Union.

The second motion similarly does not deny adequate presentation of fact and law but merely states inadequate contrary prediction and conclusion by recital that "applicants on information and belief aver that the oral argument and briefs of the parties to the case will not adequately present the argument to be made herein, which is directed solely to the contention that the California loyalty declaration offends that freedom of conscience which is asserted and professed by the Religious Society of Friends" (Motion, p. 3). No attempt is made to support such prediction and conclusion of inadequacy on the basis of the briefs sub-

mitted by petitioner in the State courts or, of the petition for certiorari or the character or ability of petitioners' counsel or other briefs by them in this court.

Petitioners' Consolidated Opening Brief now filed confutes the prediction and legal conclusion above recited, and in fact fully and carefully presents the facts and argues all questions of law, including *inter alia* the legal questions of freedom of religion and separation of church and state (Pet. Consol. Op. Br. p. 3, pp. 19-31). Also, the tendered second brief cites not a single case, text or legal authority beyond the very full presentation in Petitioners' Consolidated Opening Brief.

The motions fail to comply with the requirements of Supreme Court Rule 42. They do not state facts or questions of law that have not been or reasons for believing that they will not be presented by the parties.

WHEREFORE, respondents oppose the motions for leave to file said briefs.

DATED, February 14, 1958.

HAROLD W. KENNEDY, County Counsel
and

Gordon Boller

Assistant County Counsel

Attorneys for Respondents.